

### **REMARKS**

The Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-3, 5-11, and 14-25 are currently being prosecuted. Claims 1, 2, 9, 10, and 18, and 24 are amended, and claim 25 is added. Claims 1, 9, and 24 are independent. Claims 4, 12, and 13 were cancelled by a previous amendment. The Examiner is respectfully requested to reconsider her rejections in view of the amendments and remarks as set forth herein.

### **Reasons for Entry of Amendments**

At the outset, it is respectfully requested that this Amendment be entered into the Official File in view of the fact that the amendments to the claims automatically place the application in condition for allowance.

In the alternative, if the Examiner does not agree that this application is in condition for allowance, it is respectfully requested that this Amendment be entered for the purpose of appeal. This Amendment was not presented at an earlier date in view of the fact that the Examiner has just now presented new grounds for rejection in this Final Office Action.

### **Information Disclosure Statement**

It is respectfully requested that the Examiner return an initialed copy of Form PTO-1449 filed on January 7, 2004 in the next Official Communication.

**Rejections under 35 U.S.C. §103(a)**

Claims 1, 9, and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Theobald (U.S. 6,161,857) in view of Martinez et al. (U.S. 6,270,131);

claims 2, 6, 10, 15, and 18-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Theobald in view of Martinez et al. and further in view of Ichikawa et al. (U.S. 5,620,217);

claims 7, 16, 21, and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Theobald in view of Martinez et al. and Ichikawa et al.

claims 3, 5, 11, 13, and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Theobald in view of Martinez et al. and Ichikawa et al. and further in view of Casse (U.S. 4,165,113);

claims 8, 16, and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Theobald and modified in view of Brumby (U.S. 5,074,407); and

claim 24 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Theobald in view of Casse.

**Amendments to Independent Claims 1 and 9**

While not conceding the appropriateness of the Examiner's rejections, but merely to advance the prosecution of the present application, each of independent claims 1 and 9 is amended herein to recite a combination of elements directed to a shock absorbing structure, including *inter alia*

said shock absorbing member includes a plurality of reinforcing ribs having lengths extending substantially in a vertical direction with respect to the vehicular body so as to be arranged at substantially right angles to the shock to be absorbed, and

wherein said shock absorbing member is mounted on a front cover and includes a rear peripheral wall that is curved into a shape to follow that of the front cover.

Support for the above features can be seen, for example, in FIG. 4, and in paragraph [0042] of the specification.

The Applicants respectfully submit the combination of elements set forth in each of claims 1, and 9 is not suggested by the combination of Theobald et al. and Martinez et al.

The Examiner asserts that Martinez et al. teaches a shock absorbing member including ribs arranged to extend at substantially at right angles to the shock to be absorbed. The Applicants disagree. The Examiner is directed to Martinez et al. FIGS. 4, 5, 7, 8, and 10-12 which show the shock being applied parallel to (NOT at right angles to) lengths of the ribs.

In addition, neither of the Theobald et al. document nor the Martinez et al. document suggests a shock absorbing member mounted on a front cover and includes a rear peripheral wall that is curved into a shape to follow that of the front cover.

In rejecting claim 18 as previously presented, the Examiner relies on Ichikawa et al. to teach a shock absorber mounted on the front cover. However, a careful review of Ichikawa et al. FIGS. 1-6, shows that this document merely discloses bumper assembly 45 including multiple pipes which are attached by brackets 47 to main frame member 28. The

Applicants can find no suggestion in Ichikawa et al. that the bumper 45 is mounted on front cover 73, and can find no suggestion that bumper 45 includes a rear peripheral wall that is curved into a shape to follow that of the front cover 73.

At least for the reasons set forth above, the Applicants respectfully submit that the combination of elements set forth in each of claims 1 and 9 is not suggested by the references cited by the Examiner, including Theobald et al. and Martinez et al.

Therefore, independent claims 1 and 9 are in condition for allowance.

**Amendments to Independent Claim 24**

In addition, independent claim 24 is amended herein to recite a combination of elements directed to a shock absorbing structure, including *inter alia*

wherein said shock absorbing member is mounted on a front cover and includes a rear peripheral wall that is curved into a shape to follow that of the front cover.

Support for the above features can be seen, for example, in FIG. 4, and in paragraph [0042] of the specification.

The Applicants respectfully submit the combination of elements set forth in claim 24 is not suggested by the combination of Theobald et al. and Casse et al.

Neither of the Theobald et al. document nor the Casse document suggests a shock absorbing member mounted on a front cover and includes a rear peripheral wall that is curved into a shape to follow that of the front cover.

In rejecting claim 18 as previously presented, the Examiner relies on Ichikawa et al. to teach a shock absorber mounted on the front cover. However, a careful review of Ichikawa et al. FIGS. 1-6, shows that this document merely discloses bumper assembly 45 including multiple pipes which are attached by brackets 47 to main frame member 28. The Applicants can find no suggestion in Ichikawa et al. that the bumper 45 is mounted on front cover 73, and can find no suggestion that bumper 45 includes a rear peripheral wall that is curved into a shape to follow that of the front cover 73.

At least for the reasons set forth above, the Applicants respectfully submit that the combination of elements set forth in claim 24 is not suggested by the references cited by the Examiner, including Theobald et al. and Casse.

Therefore, independent claim 24 is in condition for allowance.

**Arguments Regarding Dependent Claims 2, 10, and 18**

Dependent claims 2, 10, and 18 are amended to recite a central portion of the rear peripheral wall is concave-shaped so as to fit against a convex-shaped portion of the front cover.

Support for the above features can be seen, for example, in FIGS. 2 and 4.

A careful review of Ichikawa et al. FIGS. 1-6, shows that this document merely discloses bumper assembly 45 including multiple pipes attached by brackets 47 to main frame member 28. The Applicants can find no suggestion in Ichikawa et al. that the bumper 45 is mounted on front cover 73, and can find no suggestion that bumper 45 includes a

central portion of the rear peripheral wall is concave-shaped so as to fit against a convex-shaped portion of the front cover 73.

Therefore, the Applicants respectfully submit that claims 2, 10, and 18 should be allowable if rewritten in independent form to include the subject matter of the base and intervening claims.

In addition, each of dependent claims 3, 5-8, 11, 14-17, 19-23, and 25 is in condition for allowance due to its dependence on an allowable independent claim or due to the additional novel features contained therein.

In view of the above amendments and remarks, reconsideration and withdrawal of the rejections under 35 U.S.C. §103(a) are respectfully requested.

All claims of the present application are in condition for allowance.

### **CONCLUSION**

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 205-8000.

*Serial No. 10/059,325*  
*Amendment dated July 28, 2005*  
*Reply to Office Action dated May 2, 2005*

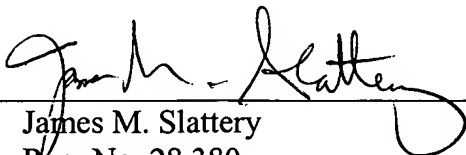
*Docket No. 0505-0949P*  
*Group Art Unit 3683*  
*Page 16 of 16*

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

JUL 28 2005

By   
James M. Slattery  
Reg. No. 28,380  
P. O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

0505-0949P  
JMS:CTT/ags

